

## **Remarks**

Applicant respectfully requests reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below.

### **Office Action Summary**

1. Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph.
2. Claims 1, 5, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPA 2004/0183655 to Takata, USPN 6,499,776 to Takamura, and USPN 6,367,124 to Bella.
3. Claims 10-11, 13, 17, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Takata, Takamura, and Bella references and further in view of USPN 6,181,024 to Geil.

### **Rejections Under 35 U.S.C. § 112**

Claims 1 and 9 stand rejected under 35 U.S.C. § 112, second paragraph for including the term "can" within claim 1 and the term "open" within claim 9. Applicant has amended the claims to clarify the claim terminology. It is believed that these amendments obviate the rejection under 35 U.S.C. § 112, second paragraph.

### **Rejections Under 35 U.S.C. § 103(a) - Claims 1, 5, and 9**

Claims 1, 5, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Takata, Takamura, and Bella references. This rejection applies to independent claim 1. Independent claim 1 has been amended to more particularly define first, second, and third radii respectively for a first gear member, a second gear member, and a cam mechanism. Applicant

submits the cited references fail to suggest the use of such a drive train mechanism where the gears and mechanism have the claimed radii.

More specifically, the Examiner submits the Takamura reference to suggest the claim limitations. Applicant points out the radius of the second gear member 20 is not less than a radius of the first gear member 18, as required to properly suggest the claimed invention.<sup>1</sup> Because the cited references fail to suggest each limitation required to properly reject independent claim 1 under 35 U.S.C. § 103(a), Applicant respectfully submits that independent claim 1 and the claims that depend therefrom are patentable and nonobvious over the cited references.

**35 U.S.C. § 103(a) - Claims 10-11, 13, 17, and 21**

Claims 10-11, 13, 17, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Takata, Takamura, Bella, and Geil references. This rejection applies to independent claim 10. Independent claim 10 has been amended to include the limitations directed towards a door mechanism being movable in only a counter-clockwise direction between a non-lifted position and at least one lifted position.

The Examiner submits that the Takata reference suggests the noted claim limitations. Applicant points out the Takata reference includes an outside handle that is movable from a normal position O to a door open position B or a switch 7 activation position C. The movement from the normal position O to the position B is in a direction opposite to the direction required to move from position O to position C.<sup>2</sup> Because the Takata reference moves in different directions when moving from position O to position B and C, Applicant submits the Takata reference fails to suggest the limitations of independent claim 10 since these limitations require movement in only a counter-clockwise direction. As such, Applicant submits the cited

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<sup>1</sup>See Figure 1 of the Takamura reference.

<sup>2</sup>See Figure 1 and paragraph 25 of the Takata reference.

references fail to disclose each limitation required to properly reject independent claim 10 and claims that depend therefrom under 35 U.S.C. § 103(a).

**New Claims and Amendments**

New claims and amendments have been made to define radii for the first gear member, second gear member, and cam mechanism as well as to define axial and inboard relationships between the same. These amendments are fully supported in the originally filed application at least with respect to the illustrations set forth in Figure 2 where the claimed radii portions are clearly illustrated along with the alignment of the first and second gear members being outboard of the cam mechanism.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,  
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Date: 08/14/2009

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